UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 7, 2011

CBCA 2441

INTERIMAGE, INC.,

Appellant,

v.

DEPARTMENT OF JUSTICE,

Respondent.

Jacob B. Pankowski and William M. Jack of Greenberg Traurig, LLP, Washington, DC, counsel for Appellant.

Ralph G. Bittelari and Nathan E. Mires, Office of Chief Counsel, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice, Washington, DC, counsel for Respondent.

BORWICK, Board Judge.

ORDER

This appeal relates to a claim submitted by InterImage, Inc. on December 8, 2010, in connection with task order DJA07B000585, issued under contract no. CM1301-05-CT-0009, for software development technical support to the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. InterImage claimed that respondent breached the contractually required procedures detailed in a quality assurance surveillance plan for making incentive-fee determinations under the task order, resulting in damages in the amount of $109,979.90, plus interest. On March 31, 2011, the contracting officer issued a final decision, denying InterImage's claim in full. On May 27, 2011, InterImage filed a notice of appeal with the Civilian Board of Contract Appeals.

On July 26, 2011, the parties entered into a settlement agreement to settle and fully resolve InterImage's claim. The parties agreed that respondent would make payment, in full satisfaction of interImage's claim, in the amount of $80,000 within thirty days of the agreement. Furthermore, a contract modification would be issued indicating an $80,000 payment to InterImage. On August 3, 2011, the parties issued the modification. On August 24, 2011, InterImage received the $80,000 payment.

On September 6, 2011, the Board received a joint motion requesting an order incorporating the terms of the settlement and dismissing appellant's appeal with prejudice. Pursuant to the agreement of the parties, and Rule 12(c), this appeal is **DISMISSED WITH PREJUDICE**.

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ANTHONY S. BORWICK
Board Judge